

BOARD OF APPEAL REFERRALS

JULY 28, 1977

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76 Appleton Street, Boston

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MEMORANDUM

JULY 28, 1977

TO: BOSTON REDEVELOPMENT AUTHORITY  
FROM: Robert F. Walsh, Director  
SUBJECT: BOARD OF APPEAL REFERRALS

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Hearing: 7/26/77

Petition No. Z-3890  
Cambridge Street Community Development  
Corporation  
8-12 Blossom Street, Boston  
at Cambridge Street

4,688 square feet of land - local business (L-2) district.

Purpose: to use premises for ancillary parking of ten cars.

Violation:

Section 8-7. Any use on a lot adjacent to, but in the same district as, a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot, is conditional in an L-2 district.

It is proposed to temporarily use lot at rear of existing gas station for ancillary parking of vehicles to be repaired or serviced. Use will be temporary, as owner has plans for redevelopment. Beacon Hill Civic Association has no objection. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3890, brought by the Cambridge Street Community Development Corp., 8-12 Blossom Street, Boston, for a conditional use to use premises for ancillary parking of ten cars in a local business (L-2) district, the Boston Redevelopment Authority recommends approval with the following proviso: that the use terminate at the end of two years or upon transfer of ownership, whichever occurs first.



## Board of Appeal Referrals 7/28/77

Hearing: 7/26/77

Petitions Nos. Z-3891-3892  
Donald G. Morse  
31 and 47 Kemble Street, Roxbury  
near Reading Street

One-story metal structure - 31,738 square feet of land - industrial (I-2) district.

Purpose: to combine lots; to use premises for storage of second-hand lumber and other salvage articles, storage of disposal containers, and demolition materials transfer station.

## Violations:

Section 8-7. Outdoor storage of second-hand lumber or other building material and salvage articles is conditional in an I-2 district.

Section 8-7. Demolition materials transfer station is conditional in an I-2 district.

This outdoor use, with attendant dust, dirt, and rodent problem, would have an adverse effect on nearby residential streets. Community has expressed opposition. Recommend denial.

VOTED: In reference to Petitions Nos. Z-3891-3892, brought by Donald G. Morse, 31 and 47 Kemble Street, Roxbury, for two conditional uses to combine lots and use premises for storage of second-hand lumber and other salvage articles, storage of disposal containers, and demolition materials transfer station in an industrial (I-2) district, the Boston Redevelopment Authority recommends denial. This outdoor use, with attendant dust, dirt, and rodent problem, would have an adverse effect on nearby residential streets. Community has expressed opposition.

DARKING

Z-3881-92  
31-37-47 KEMBLE ST.  
(ROX.)

CITY OF BOSTON  
FIRE DEPT.  
HEADQUARTERS

PARKING AREA

MAGNA MAGNETTE

ORCHARD PARK

STREET  
STREET

ADAMS

CORREGIDOR  
CT.

STREET  
STREET

PREScott

STREET

HAMPDEN

HOWARD

NORTHL

KEMBLE

READING

FARNHAM

AUER

BOY-  
1771

ST.

ISLAND

GERARD

ALLERTON

CHESTERTON

POMPEII

PEIRSON

RUSFIELD

STREET

AVENUE

BFDENG

75

DARKING

## Board of Appeal Referrals 7/28/77

Hearing: 7/26/77

Petition No. Z-3894  
Joseph A. Pingaro  
120 London Street, East Boston  
near Meridian Street

Four-story masonry structure - apartment (H-1) district.

Purpose: to change occupancy from lodging house to drug and alcohol counselling house for eight persons.

Violation:

Section 8-7. A drug and alcohol counselling house is forbidden in an H-1 district.

The facility is illegally operating at the site. There are four other drug programs existing in East Boston. The use should not be allowed until a positive need is demonstrated. The proposal does not appear to be in the best interests of the community. A large number of civic and community groups, as well as the City of Boston Drug Abuse Council, are opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3894, brought by Joseph A. Pingaro, 120 London Street, East Boston, for a forbidden use for a change of occupancy from lodging house to drug and alcohol counselling house in an apartment (H-1) district, the Boston Redevelopment Authority recommends denial. Proposal does not appear to be in the best interests of the community. In addition to this facility, which is illegally operating at the site, four other programs exist in East Boston. The use should not be allowed until a positive need is demonstrated. A large number of civic and community groups, as well as the City of Boston Drug Abuse Council, are opposed.

Z-3894  
120 LONDON ST.  
(E.B.)



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Board of Appeal Referrals 7/28/77

Hearing: 8/2/77

Petition No. Z-3897  
Esta Talberth  
1360 Commonwealth Avenue, Brighton  
at Scottfield Road

Two-story masonry garage structure - apartment (H-1) district.

Purpose: to legalize occupancy - dispatch, storage, and minor repair of taxi cabs.

Violation:

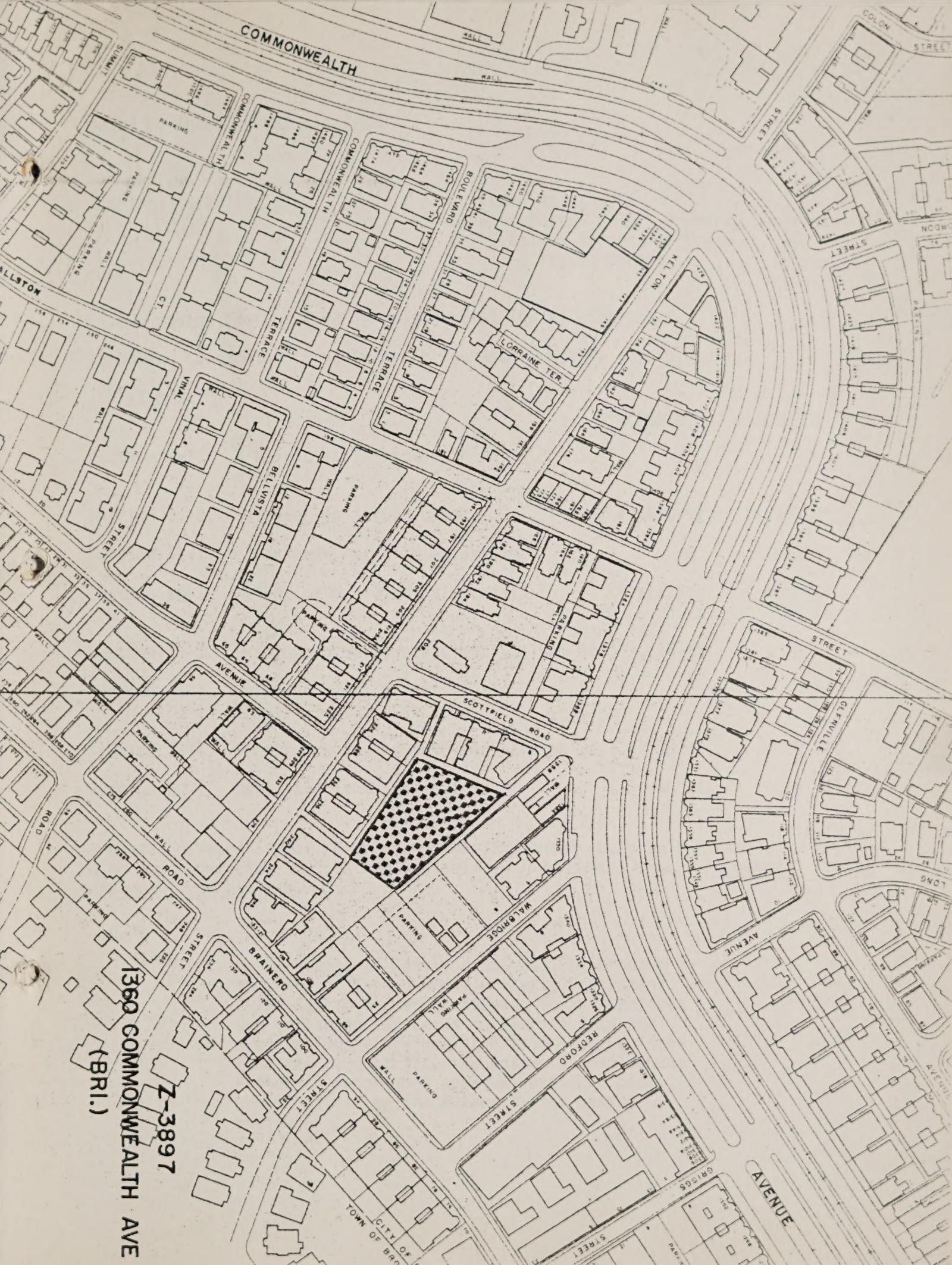
Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Proposed facility would be consistent with former parking garage occupancy. Structure is set back from Commonwealth Avenue on a small right of way.  
Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3897, brought by Esta Talberth, 1360 Commonwealth Avenue, Brighton, for a change in a nonconforming use to legalize occupancy for dispatch, storage, and minor repair of taxi cabs in an apartment (H-1) district, the Boston Redevelopment Authority recommends approval provided that the proposal complies with Board of Appeal guidelines for repair facilities.

# COMMONWEALTH

Z-3897  
1360 COMMONWEALTH AVE  
(B.R.L.)



## Board of Appeal Referrals 7/28/77

Hearing: 8/2/77

Petition No. Z-3898  
City of Boston - Real Property Department  
5-7-9 Balsam Street, Mattapan  
at Ashton Street

14,500 square feet of land - residential (R-.8) district.

Purpose: to combine lots; to erect four-story health clinic.

## Violations:

	<u>Proposed</u>	<u>Required</u>
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Section 8-7. A clinic is forbidden in an R-.8 district.

Section 14-2. Lot area is insufficient. 47,600 sf 14,500 sf

Section 15-1. Floor area ratio is excessive. .8 3

Section 16-1. Height of building is excessive. 3 stories 35 ft. 4 stories 52 ft.

Section 18-1. Front yard is insufficient (Balsam St.). 25 ft. 0

Section 18-3. Corner traffic visibility is insufficient.

Section 18-4. Front yard is insufficient (Ashton St.). 25 ft. 10 ft.

Section 20-1. Rear yard is insufficient. 40 ft. 10 ft.

Proposed Harvard Street Neighborhood Health Center would be compatible with and beneficial to this residential-local business area. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3898, brought by the City of Boston - Real Property Department, 5-7-9 Balsam Street, Mattapan, for a forbidden use and seven variances to combine lots and erect a four-story health clinic in a residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



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Board of Appeal Referrals 7/28/77

Hearing: 8/2/77

Petition No. Z-3899  
Faulkner Health Care Corporation  
780 American Legion Highway, Roslindale  
at Stella Road

Two-story structure - residential (R-.5) district.

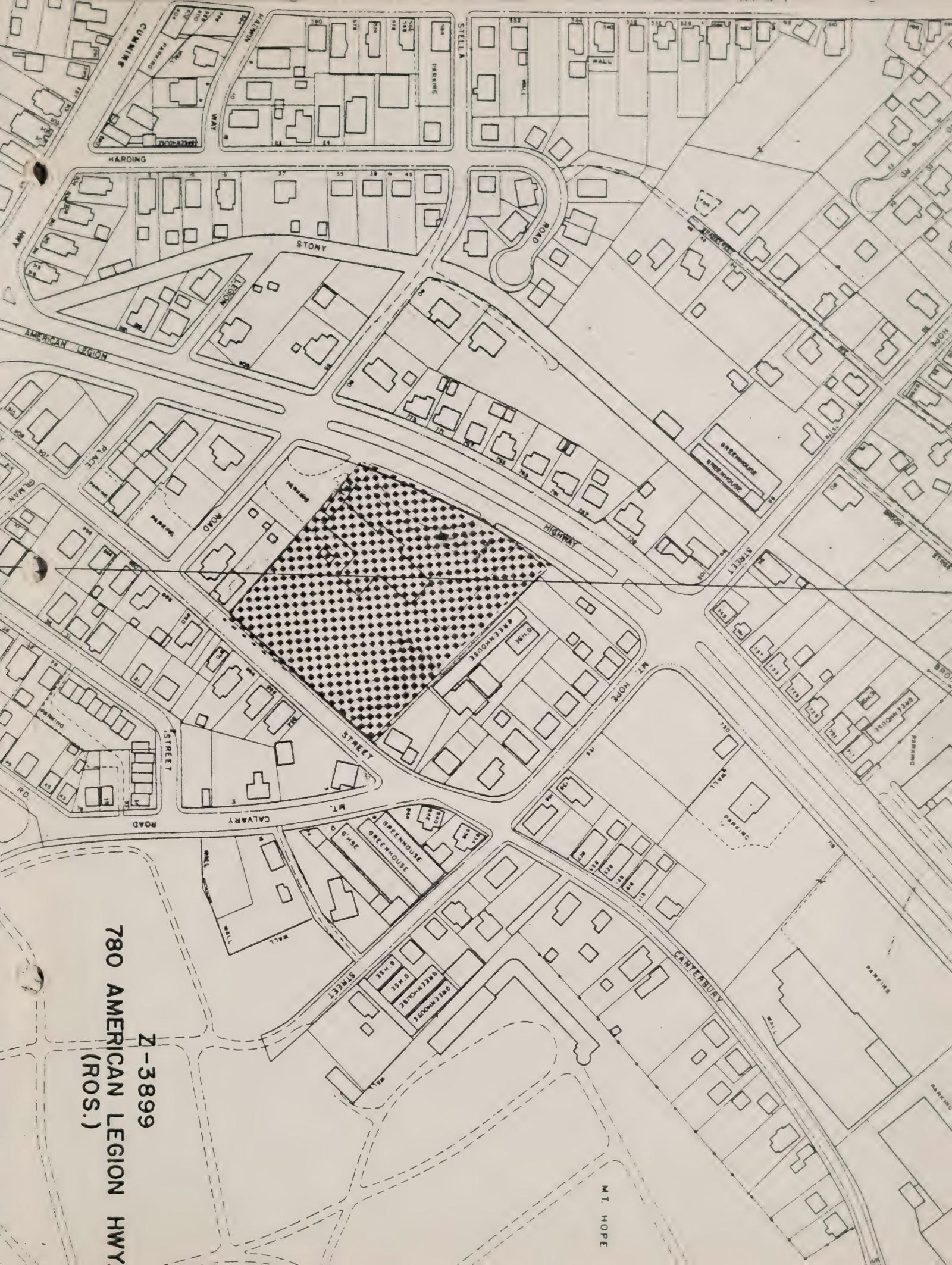
Purpose: to change occupancy from hospital to senior citizen nutrition and socialization programs, outpatient counselling, community health services and offices.

Violation:

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Services would be provided by West Ros Park - an outpatient mental health clinic; Mattapan Jewish Community Center - socialization and nutrition programs; Odwin Health Careers - tutorial-educational services; Faulkner Hospital Department of Community Health - operational clinic, adult day care activities, health screening programs. Proposal provides needed and beneficial services to the community. Recommend approval.

VOTED: In reference to Petition No. Z-3899, brought by the Faulkner Health Care Corporation, 780 American Legion Highway, Roslindale, for a change in a nonconforming use for a change of occupancy from hospital to senior citizen nutrition and socialization programs, outpatient counselling, community health services and offices in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval. Facility will provide needed and beneficial services to the community.



## Board of Appeal Referrals 7/28/77

Hearing: 8/16/77

Petition No. Z-3902  
Church of Bible Understanding Inc.  
180 Pond Street, Jamaica Plain  
at Orchard Street

2½-story frame structure - single family (S-.5) district.

Purpose: to change occupancy from one-family dwelling to monastery, church, and bible study school.

## Violations:

Required      Proposed

Section 8-7. A bible study school is forbidden in an S-.5 district.

Section 14-2. Lot area is insufficient.                    26,000 sf            3,216 sf

Section 19-6. Side yard is insufficient.                    30 ft.                22 ft.

Section 23-2. Off-street parking is insufficient.        14 spaces            2 spaces

Proposed institutional uses with large attendance and varied activities would be disruptive to this low density, single family area. Intensified traffic and on-street parking would create congestion and hazardous conditions on neighborhood streets. There is overwhelming opposition to this proposal. Recommend denial.

VOTED: In reference to Petition No. Z-3902, brought by the Church of Bible Understanding Inc., 180 Pond Street, Jamaica Plain, for a forbidden use and three variances for a change of occupancy from one-family dwelling to monastery, church, and bible study school in a single family (S-.5) district, the Boston Redevelopment Authority recommends denial. Proposed institutional uses with large attendance and varied activities would be disruptive to this low density, single family area. Intensified traffic would create congestion and hazardous conditions on neighborhood streets. There is overwhelming opposition to this proposal.

Z - 3902

180 POND ST.  
(J.P.)



8

Board of Appeal Referrals 7/28/77

Hearing: 8/16/77

Petition No. Z-3905  
Howard R. Searcy  
35 Devon Street, Dorchester  
near Blue Hill Avenue

2½-story frame structure - apartment (H-1) district.

Purpose: to legalize occupancy - three-family dwelling.

Violations:

Required      Proposed

Section 8-7. Any dwelling converted for more families which does not meet the requirement for lot area is forbidden in an H-1 district.

Section 14-2. Lot area is insufficient.                    7,000 sf      4,620 sf

Occupancy has existed for over twenty years. No neighborhood opposition.  
Recommend approval.

VOTED: In reference to Petition No. Z-3905, brought by Howard R. Searcy, 35 Devon Street, Dorchester, for a forbidden use and a variance to legalize occupancy for a three-family dwelling in an apartment (H-2) district, the Boston Redevelopment Authority recommends approval. Occupancy has existed for many years. No neighborhood opposition.

7-3905  
35 DEVON ST.  
(DOR.)

7-3905

35 DEVON ST.

DOR.

9

Board of Appeal Referrals 7/28/77

Hearing: 7/26/77

Petition No. Z-3906  
Frederick C. Saunders  
24 Rockville Park, Roxbury  
near Warren Street

4,620 square feet of vacant land - residential (R-.8) district.

Purpose: to use premises for auxiliary parking of 14 cars.

Violations:

	<u>Required</u>	<u>Proposed</u>
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Section 8-7. Any use on a lot across the street from a lawful use to which it is ancillary and ordinarily incident and for which it would be a lawful accessory use if it were on the same lot is conditional in an R-.8 district.

Section 18-4. Front yard is insufficient. 25 ft. 0

It is proposed to store cars (awaiting repair and those which have been repaired) ancillary to gas station located around corner on Warren Street. This use would have an injurious impact on surrounding residential properties. Abutters are strongly opposed. Recommend denial.

VOTED: In reference to Petition No. Z-3906, brought by Frederick C. Saunders, 24 Rockville Park, Roxbury, for a conditional use and a variance to use premises for auxiliary parking of fourteen cars in a residential (R-.8) district, the Boston Redevelopment Authority recommends denial. Proposal would have an injurious impact on surrounding residential properties. Abutters are strongly opposed.



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Board of Appeal Referrals 7/28/77

Hearing: 8/16/77

Petition No. Z-3907  
Wong Kwong Har Association  
70 Beach Street, Boston  
at Edinboro Street

Six-story structure - manufacturing (M-8) district.

Purpose: to change occupancy from restaurant and offices to restaurant providing dancing or entertainment or both and offices.

Violation:

Section 8-7. A restaurant providing dancing or entertainment or both is conditional in an M-8 district.

Proposed entertainment consists primarily of special programs by guest performers on tour from Hong Kong. This entertainment is very popular within the community. Recommend approval.

VOTED: In reference to Petition No. Z-3907, brought by Wong Kwong Har Association, 70 Beach Street, Boston, for a conditional use for a change of occupancy from restaurant and offices to restaurant providing dancing or entertainment or both and offices in a manufacturing (M-8) district, the Boston Redevelopment Authority recommends approval. Proposal complies with requirements for conditional use. No community objections.

BOSTON

CO 7-3907  
70 BEECH ST.  
(B.R.)



Hearing: 8/16/77

Petition No. Z-3908  
535 Dudley Street Trust  
535-545 Dudley Street, Roxbury  
near North Avenue

One-story masonry structure - local business (L-1) district.

Purpose: to legalize existing occupancy - four stores, dry cleaners, and private club.

Violation:

Section 8-7. A private club is conditional in an L-1 district.

The Spanish American Club is an existing condition with no adverse effect on surrounding properties. Off-street parking should be provided to alleviate curb parking demands. Recommend approval with provisos.

VOTED: In reference to Petition No. Z-3908, brought by the 535 Dudley Street Trust, 535-545 Dudley Street, Roxbury, for a conditional use to legalize existing occupancy for four stores, dry cleaners, and private club in a local business (L-1) district, the Boston Redevelopment Authority recommends approval with the following provisos: that the petitioner acquire or lease space to provide off-street parking and that no liquor be served on the premises.



Board of Appeal Referrals 7/28/77

Hearing: 7/26/77

Petition No. Z-3914  
Christopher Pilavis  
477 Commonwealth Avenue, Boston  
near Charlesgate West

Five-story structure - apartment (H-4) district.

Purpose: to change occupancy from eight apartments and store to office and store.

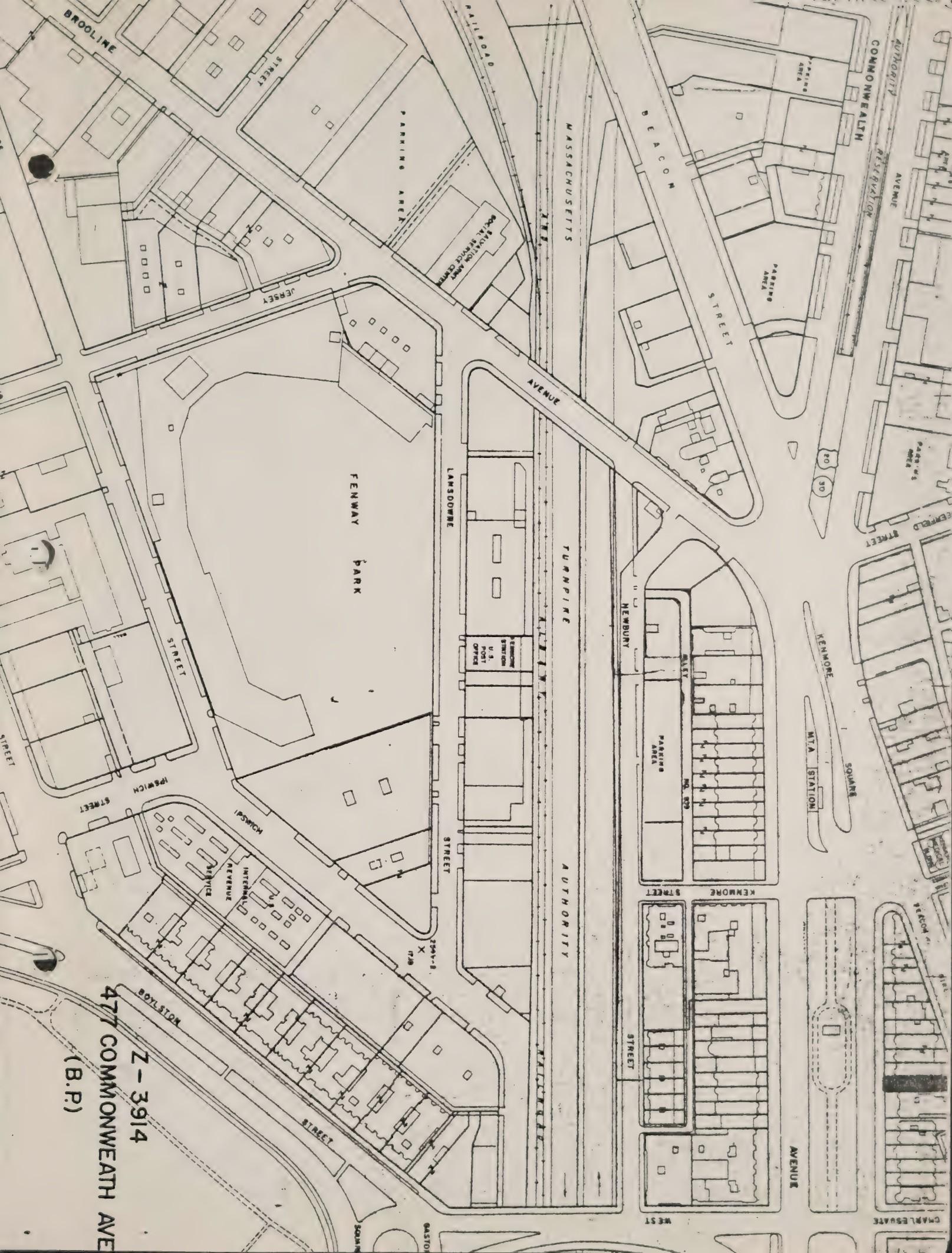
Violations:

Section 8-7. An office building is conditional in an H-4 district.

Section 8-7. A change in a nonconforming use requires Board of Appeal hearing.

Office buildings abut both sides of site. Block is predominantly office-commercial and fraternity uses. Recommend approval with proviso.

VOTED: In reference to Petition No. Z-3914, brought by Christopher Pilavis, 477 Commonwealth Avenue, Boston, for a conditional use and a change in a nonconforming use for a change of occupancy from eight apartments and store to office and store in an apartment (H-4) district, the Boston Redevelopment Authority recommends approval provided that there are no exterior changes to structure. Office buildings abut both sides of site. Block is predominantly office-commercial and fraternity uses.



Hearing: 8/2/77

Petition No. Z-3916  
S. Newman & Sons, Inc.  
240 North Beacon Street, Brighton  
near Market Street

Two-story structure - residential (R-.5) district.

Proposal: to change occupancy from office and garage to rental of trucks and trailers, rental and sale of related items, hitch installation, minor repair and maintenance of trucks and trailers, accessory storage of trucks, trailers, and related items, temporary storage of customer goods; to install an accessory 10,000-gallon gasoline tank; to erect accessory signs.

Violation:

Section 9-2. A change in a nonconforming use requires Board of Appeal hearing.

Site is appropriate, having been previously used for storage, sale, and accessory repair of trucks and trailers. U Haul Co. of Boston will purchase the property and operate the rental facility. Community has approved the proposal subject to design review. Recommend approval with proviso.

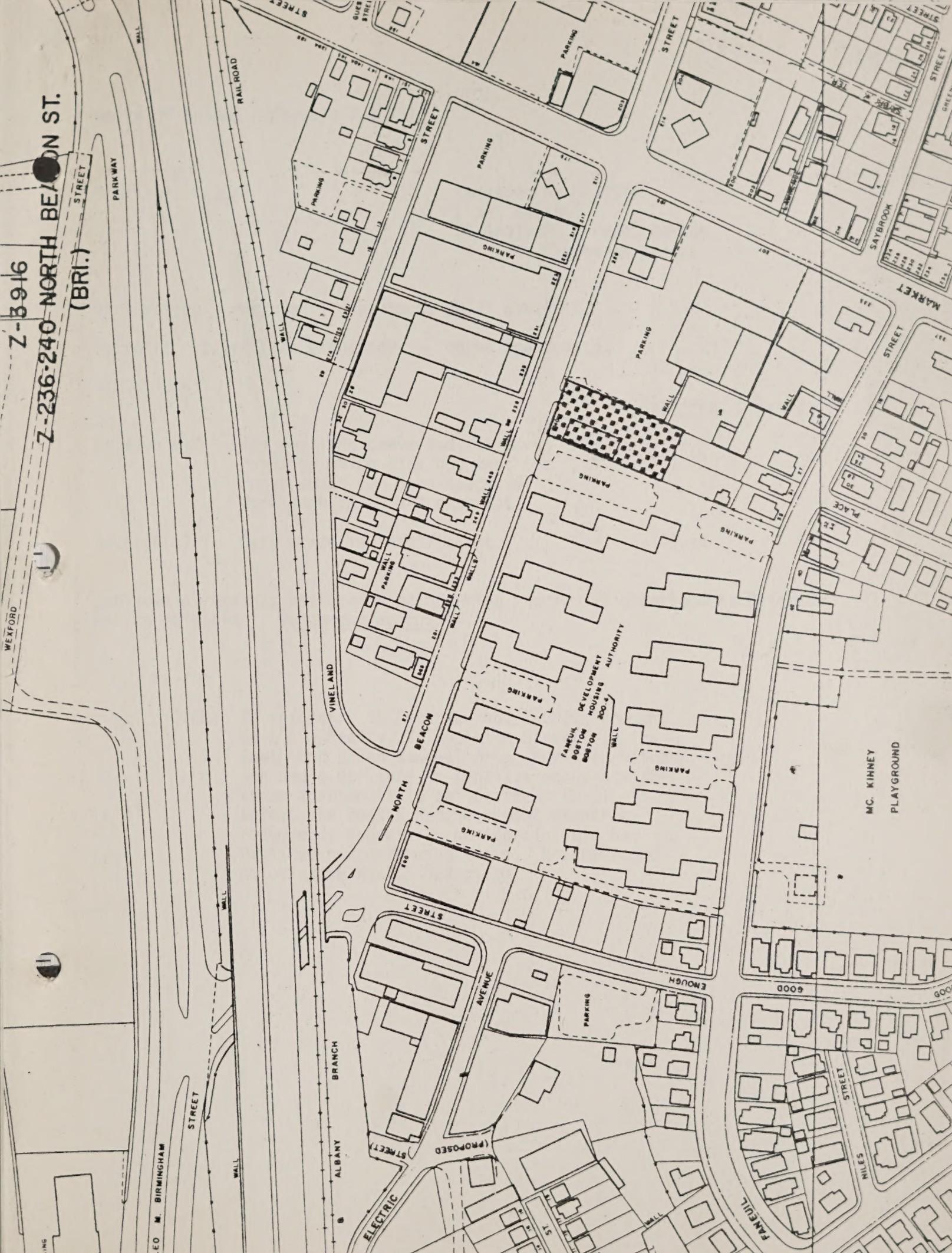
VOTED: In reference to Petition No. Z-3916, brought by S. Newman & Sons, Inc., 240 North Beacon Street, Brighton, for a change in a nonconforming use for a change of occupancy from office and garage to rental of trucks and trailers, rental and sale of related items, hitch installation, minor repair and maintenance of trucks and trailers, accessory storage of trucks, trailers, and related items, and temporary storage of customer goods, and for installation of an accessory 10,000-gallon gasoline tank and accessory signs in a residential (R-.5) district, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.

918-2

Z-236-240 NORTH BEACH ST.

(BR.)

EO M. BIRMINGHAM



15

Board of Appeal Referrals 7/28/77

Hearing: 8/30/77

Petition No. Z-3920  
L & J Realty  
76 Appleton Street, Boston  
at Clarendon Street

Three-story structure - apartment (H-3) district.

Purpose: to legalize occupancy - three apartments.

Violations:

Required      Proposed

Section 8-7. Any dwelling converted for more families which does not meet the requirement for open space is forbidden in an H-3 district.

Section 17-1. Open space is insufficient.      100 sf      0

Residential use has replaced nonconforming store. Neighborhood Association has no objection. Recommend approval.

VOTED: In reference to Petition No. Z-3920, brought by L & J Realty, 76 Appleton Street, in the South End Urban Renewal Area, for a forbidden use and a variance to legalize occupancy for three apartments in an apartment (H-3) district, the Boston Redevelopment Authority recommends approval. Residential use has replaced nonconforming store. Neighborhood Association has no objection.

